

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 324 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

VIHOL VIJAYSINH BADARSINH

Versus

DIST. SUPDT. OF POLICE

Appearance:

MR SAURABH MEHTA for MR YN OZA for Petitioners
MS DARSHNA PANDIT for MR SP HASURKAR for
Respondent No. 1, 2, 3

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 11/08/2000

ORAL JUDGEMENT

The petitioners, who were serving as unarmed
Police Constables, have challenged the impugned orders of
their suspension which were made on 9-1-1991 as per the

Annexure A-1 and A-2 on the ground that they were being prosecuted for the offences under Sections 324, 323, 504, 114 and 307 of Indian Penal Code as well as Section 135 of the Bombay Police Act. This petition was admitted on 30th January, 1991 and ad-interim relief was granted staying the operation of the impugned orders of suspension.

When this petition is called out for hearing, the Learned Counsel for the petitioners places on record a copy of judgement and order dated 13th April, 1993 passed by the Learned Additional Sessions Judge, Mehsana in Sessions Case No.74/1989. It shows that these petitioners were acquitted of all the aforesaid offences, which were levelled against them. In this view of the matter the very basis of the suspension order did not remain after the acquittal of the petitioners. The petition has, therefore, become infructuous, in view of the fact that the impugned orders of suspension do not survive after the acquittal of the petitioners. The petition is, therefore, disposed of as having become infructuous. Rule is discharged with no order as to costs. Interim relief stands vacated. Liberty to move in case of difficulty.

11-8-2000 (R.K. Abichandani, J.)

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